

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Jeffrey Schlom et al.

Application No.: 10/582,702

Confirmation No.: 4962

Filed: April 23, 2007

Art Unit: N/A

For: HUMAN CYTOTOXIC T-LYMPHOCTYE
EPTIOPE AND ITS AGONIST EPTIOPE
FROM THE NON-VARIABLE NUMBER OF
TANDEM REPEAT SEQUENCE OF MUC-1

Examiner: Not Yet Assigned

RESPONSE TO RESTRICTION REQUIREMENT

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Madam:

In response to the restriction requirement set forth in the Office Action mailed December 18, 2008, Applicant hereby provisionally elects claims Group 57, claims 14-27 and 28-30, drawn to a polypeptide comprising SEQ ID NO: 19 for continued examination.

The Examiner has required restriction between:

Groups 1-19: claim(s) 1-12, 40-45 and 63, drawn to a nucleic acid molecule that encodes the amino acid sequence of SEQ ID Nos. 1-19 (each encoded amino acid sequence is a separate group);

Groups 20-37: claim(s) 1-13, 40-45 and 63, drawn to a nucleic acid molecule that encodes the amino acid sequence of SEQ ID Nos. 20-27 (each encoded amino acid sequence is a separate group);

Groups 38-57: claim(s) 14-27 and 28-30, drawn to a polypeptide comprising SEQ ID Nos. 1-19 (each amino acid sequence is a separate group);

Groups 58-77: claim(s) 31-39, drawn to a method for generating an immune response by administering a nucleic acid molecule encoding the peptide of SEQ ID Nos. 1-19 (each peptide sequence is a separate group);

Groups 78-97: claim(s) 46-50, drawn to a method for treating a tumor by administering a peptide of SEQ ID Nos. 1-19 (each peptide sequence is a separate group);

Groups 98-117: claim(s) 51-55, drawn to a method of treating a tumor by treating dendritic cells with a peptide of SEQ ID Nos. 1-19 (each peptide sequence is a separate group);

Group 118: claim(s) 56-62, drawn to a method for generating an immune response;

Group 119: claim(s) 64-66, drawn to a method of screening for a molecule to generate an immune response;

Groups 120-139: claim(s) 67-71, drawn to a method of treating a tumor comprising activating PBMC cells (each peptide sequence of SEQ ID Nos. 1-19 is a separate group); and

Groups 140-158: claim(s) 72-78, drawn to a method for generating an immune response by administering a nucleic acid molecule encoding SEQ ID Nos. 19-37 (each peptide sequence is a separate group).

The Office Action alleges that the claims do not relate to a single inventive concept under PCT Rule 13.1 because they lack the same or corresponding special

technical feature. Without agreeing with the Examiner, Applicant has elected the Group as set forth above.

Group 57 was part of the third cluster of groups indicated in the Restriction Requirement to include Groups 38-57 drawn to a polypeptide of claims 14-27 and 28-30 comprising SEQ ID NO: 19. The election of SEQ ID NO: 19, the following claims will be under examination: 14, and 16-30.

Fee Authorization and Request for Extension of Time for Reply

A one (1) month extension in time for reply is hereby requested. The Commissioner is authorized to charge Deposit Account No.: 04-1105 referencing Docket No: 59849(47992) the fee for a one month extension, large entity. It is believed that no further fee is due. However, if an additional fee is due, the Commissioner is hereby authorized to charge Deposit Account 04-1105 referencing the Docket number any fees due with this paper or subsequently filed paper in this case. Refund of any excess payment of fees to the Deposit Account is requested.

An Office Action in the merits is respectfully requested.

Dated: February 3, 2009

Respectfully submitted,
Electronic signature: /Colleen McKiernan,
Ph.D./
Colleen McKiernan, Ph.D.
Registration No.: 48,570
EDWARDS ANGELL PALMER & DODGE
LLP
P.O. Box 55874
Boston, Massachusetts 02205
(617) 517-5555
Attorneys/Agents For Applicant